

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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THOMAS MORROW and VALERIE MORROW, <i>et al.</i>	:	
	:	2:13-cv-01032-MSG
v.	:	
COUNTY OF MONTGOMERY, PENNSYLVANIA	:	
	:	

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**STIPULATION AND PROPOSED ORDER**

NOW, this 24<sup>th</sup> day of February 2014, upon consideration of the Court's Memorandum and Order conditionally certifying the putative FLSA collective, it is hereby agreed that:

1. Within five (5) business days of the Court's entry of this Stipulation and Proposed Order, Defendant's Counsel will provide Plaintiffs' Counsel with the last-known name, address, and phone number of every individual employed as a Correctional Officer and assigned to the Montgomery County Correctional Facility during any time since February 1, 2011.
2. Within ten (10) business days of the Court's entry of this Stipulation and Proposed Order, Plaintiff's Counsel will mail the attached forms entitled "COURT-ORDERED NOTICE OF LAWSUIT" and "NOTICE OF CONSENT TO BECOME PARTY PLAINTIFF" to each individual identified pursuant to paragraph 1 above,<sup>1</sup> and, thereafter, will make all reasonable efforts to update the mailing addresses and re-mail the forms to any individuals whose forms are returned by the post office as undeliverable.
3. Any individual (other than those individuals who already have joined this action) wishing to participate in this action must return the NOTICE OF CONSENT form to Plaintiff's

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<sup>1</sup> Plaintiffs Counsel are not required to mail the forms to individuals who already have joined the action.

Counsel in accordance with the 45-day deadline described in the COURT-ORDERED NOTICE OF LAWSUIT form. Plaintiffs' Counsel will promptly file all NOTICE OF CONSENT forms with the Court upon receipt of such forms.

**AGREED:**

**FOR DEFENDANT:**

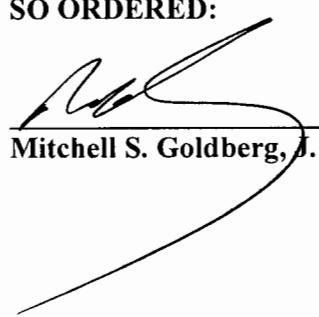
/s/ Philip W. Newcomer  
Philip W. Newcomer  
Nicole R. Forzato  
Sharon W. Glogowski  
MONTGOMERY COUNTY SOLICITOR'S  
OFFICE  
One Montgomery Plaza, Suite 800  
P.O. Box 311  
Norristown, PA 19404

**FOR PLAINTIFFS:**

/s/ Peter Winebrake  
Peter Winebrake  
R. Andrew Santillo  
Mark J. Gottesfeld  
WINEBRAKE & SANTILLO, LLC  
715 Twining Road, Suite 211  
Dresher, PA 19025

/s/ Michael Murphy  
Michael Murphy  
MURPHY LAW GROUP, LLC  
1760 Market Street, Suite 1201  
Philadelphia, PA 19103

**SO ORDERED:**

  
Mitchell S. Goldberg, Jr.

2.21.14  
Date

**COURT-ORDERED NOTICE OF LAWSUIT**

*Morrow, et al. v. County of Montgomery, Civil Action No. 2:13-cv-01032-MSG*  
*United States District Court, Eastern District of Pennsylvania*

**TO: All Present and Former Employees of the Montgomery County Correctional Facility who worked as a Correctional Officer during any time after February 1, 2011**

**RE: Montgomery County Correctional Facility Fair Labor Standards Act Lawsuit**

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**PLEASE READ THIS NOTICE CAREFULLY.**  
**THIS NOTICE AFFECTS YOUR LEGAL RIGHTS.**

**I. PURPOSE OF THIS NOTICE**

The purpose of this Notice is to inform you of the existence of a lawsuit against Montgomery County (“County”) and to instruct you on the procedure for participating in this lawsuit if you so desire.

**2. DESCRIPTION OF THE LAWSUIT**

This lawsuit is brought by Montgomery County Correctional Officers (“Plaintiffs”) assigned to the Montgomery County Correctional Facility (“Facility”) County Prison in Eagleville, Pennsylvania. The lawsuit is pending in the United States District Court in Philadelphia, Pennsylvania, and it is assigned to United States District Judge Mitchell S. Goldberg.

This lawsuit alleges the County had and continues to have a policy of requiring its correctional officers to work in excess of forty (40) hours per week without paying them overtime compensation as required by federal wage and hour laws. In particular, Plaintiffs allege that, during the past three years, they were not compensated for time spent engaged in work-related duties before and after their paid shifts. Plaintiffs seek to recover unpaid wages and overtime pay, including the interest thereon, statutory penalties, reasonable attorneys’ fees, and litigation costs, on behalf of themselves and other similarly situated current and former correctional officers under a federal law called the Fair Labor Standards Act.

The County denies Plaintiffs’ legal and factual allegations. The County contends that all employees have been properly paid for all compensable work.

The Judge has not yet decided whether Plaintiffs or the County will win this lawsuit. The right to recover for any employee has not been established and is not certain. In addition, the Judge must further determine whether the claims of each individual employee who joins the lawsuit are sufficiently similar to allow this lawsuit to proceed to trial as a collective action.

### **3. PERSONS ELIGIBLE TO PARTICIPATE IN THE LAWSUIT**

You are eligible to join this lawsuit if you worked at the Facility as a Correctional Officer *during any time after February 1, 2011.*

### **4. HOW YOU CAN PARTICIPATE IN THE LAWSUIT**

**If you wish to join this lawsuit, you must complete the enclosed “Notice of Consent” form and mail it to the address on the Form. The Form must be postmarked on or before [INSERT DATE 45 DAYS AFTER MAILING DATE].**

*Joining this lawsuit does not guarantee that you will receive an award of damages from the lawsuit.* You will receive damages *only if* (a) you join the lawsuit; (b) the Court determines that your claims and the claims of other class members are sufficiently similar to be pursued in one lawsuit; and (c) the Court determines that the County violated your wage/overtime rights under federal law, after the Court (and/or jury) considers all evidence presented on the claims of the Plaintiffs and the defenses of the County.

If you do not complete, mail, and postmark a Notice of Consent form on or before the [*insert date 45 days after mailing date*] deadline, you will not be allowed to participate in this lawsuit.

### **5. YOUR RIGHT TO DECLINE PARTICIPATION IN THIS LAWSUIT**

You are not required to participate in this lawsuit. If you do not want to participate in this lawsuit you do not have to do anything at this time.

A recovery of money is not certain for those who do participate in the lawsuit. However, if you do not participate in the lawsuit, you will not be eligible to receive any portion of any recovery that might be obtained by the workers.

### **6. EFFECT OF JOINING THE LAWSUIT**

If you join this lawsuit, you will be bound by any judgment of the Court, whether favorable or unfavorable. If you choose to join this suit, you might possibly be required to provide information, testify at a deposition, and testify in Court while the suit is proceeding. Unless you retain your own private attorney, your interests will be represented by the attorneys listed in Section 8 below. These attorneys are being paid on a contingency basis, which means that they will not be paid any attorney’s fees or expenses unless money is recovered for the employees. If there is a recovery, the attorneys either will receive a part of that recovery or will seek to have their fees and expenses paid separately by the County. The Judge must approve any attorney’s fee/expense recovery as fair and reasonable.

### **7. RETALIATION IS FORBIDDEN BY FEDERAL LAW**

Federal law prohibits the County from discharging or in any other manner discriminating or retaliating against you because you have joined this lawsuit. However, participating in the lawsuit does not excuse current employees from complying with the County’s existing policies and work rules.

## **8. YOUR LEGAL REPRESENTATION IF YOU JOIN**

If you participate in this lawsuit, you will be represented by the following attorneys:

Pete Winebrake

R. Andrew Santillo

Mark Gottesfeld

Winebrake & Santillo, LLC

715 Twining Road, Suite 114

Dresher, PA 19025

(866) 440-9243

Michael Murphy, Esq.

Murphy Law Group, LLC

1760 Market Street, Suite 1201

Philadelphia, PA 19103

(215) 375-0961

## **9. FURTHER INFORMATION**

Further information about this Notice, the attached Notice of Consent Form, the deadline for filing your Form, or any other aspect of this lawsuit may be obtained by contacting one of the attorneys listed in Section 8 above.

If you desire to communicate with the attorneys for the County, you may contact Phil Newcomer at 610-278-3033 or [pnewcome@montcopa.org](mailto:pnewcome@montcopa.org) or The Montgomery County Solicitor's Office, One Montgomery Plaza, Suite 800, P.O. Box 311, Norristown, PA 19404-0311.

**THE SENDING OF THIS NOTICE HAS BEEN AUTHORIZED BY THE UNITED STATES DISTRICT JUDGE MITCHELL S. GOLDBERG OF THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA. THE COURT HAS TAKEN NO POSITION IN THIS CASE REGARDING THE MERITS OF THIS LAWSUIT. THIS NOTICE IS ONLY FOR THE PURPOSE OF DETERMINING THE IDENTITY OF THOSE PERSONS WHO WOULD LIKE TO BE INVOLVED IN THIS CASE AND HAS NO OTHER PURPOSE.**

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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THOMAS MORROW and VALERIE  
MORROW, on behalf of themselves and  
similarly situated employees : 2:13-cv-01032-MSG

v. :

COUNTY OF MONTGOMERY,  
PENNSYLVANIA : :

**NOTICE OF CONSENT TO BECOME PARTY PLAINTIFF**

I have read the accompanying document entitled "COURT-ORDERED NOTICE OF LAWSUIT," and I hereby consent to participate as a Plaintiff in the above-captioned lawsuit. I agree to be represented by Winebrake & Santillo, LLC (Dresher, PA) and the Murphy Law Group, LLC (Philadelphia, PA). I understand that I will be bound by the judgment of the Court on all issues in this case, including the fairness of any settlement.

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Date

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Signature

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Name (Please Print Clearly)

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Street Address

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City, State, Zip Code

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Phone